

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

LEGGETT & PLATT,)
INCORPORATED and L&P PROPERTY)
MANAGEMENT COMPANY,)

Plaintiffs,)

v.)

Case No. 11-CV-05041

SIMMONS BEDDING COMPANY)
and THE SIMMONS)
MANUFACTURING CO., LLC,)

Defendants.)

STIPULATION AND ORDER OF DISMISSAL WITHOUT PREJUDICE

Plaintiffs Leggett & Platt, Incorporated and L&P Property Management Company (“Plaintiffs”) and Defendants Simmons Bedding Company and The Simmons Manufacturing Co., LLC (“Defendants”) have entered into a settlement agreement. Pursuant to that settlement agreement, Plaintiffs and Defendants stipulate and request that all claims in this action be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) with each party to bear its own attorneys’ fees and costs, and that the case may only be reopened consistent with certain contingencies as set forth in the settlement agreement or as otherwise permitted by law.

Respectfully submitted this 3rd day of January, 2013.

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SIMMONS BEDDING COMPANY and THE
SIMMONS MANUFACTURING CO., LLC

ORDER

IT IS HEREBY ORDERED, based upon the foregoing Stipulation, that all claims in this action are dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) with each party to bear its own attorneys' fees and costs. The case shall only be reopened consistent with the contingencies set forth in the parties' settlement agreement resolving this action or as otherwise permitted by law.

Dated this _____ day of _____, 20____.

The Honorable Richard E. Dorr, Judge
United States District Court